

EXHIBIT G

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4 GERALD RUHNOW and CONNIE *
5 RUHNOW, *

ORIGINAL

6 Plaintiffs, * CIVIL ACTION NO. 2:05 CV 527-F
7 *

8 vs. *

9 LANE HEARD TRUCKING, LLC., *
10 et al., *

11 Defendants, *

12 *

13 VIDEOTAPED

14 DEPOSITION OF: RANDALL JACKSON

15 DATE TAKEN: April 1, 2006

16 TIME: 9:19 a.m.

17 PLACE: 111 North Orange Avenue
18 Suite 1060

19 Orlando, Florida

20 REPORTED BY: Jan L. O'Steen, Court Reporter
21 Notary Public

22 *

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1 MS. HAMMETT: Yes, Linda.

2 MS. AMBROSE: Did we go over the
3 stipulations?

4 MS. HAMMETT: We didn't. Is everybody
5 okay with the usual stipulations?

6 MS. AMBROSE: That's fine.

7 MR. SPARROW: Yes.

8 MS. HAMMETT: Okay.

9 MR. GARRETT: It's fine with me.

10 BY MS. HAMMETT:

11 Q All right. Mr. Jackson, please tell me,
12 and, more importantly, tell the jury everything you
13 can remember about the accident that took place in
14 Troy.

15 A Okay. Well, the -- I was traveling
16 southbound on Highway 231, roughly, about three to
17 four miles south of Troy, Alabama. It was, I guess,
18 about -- I want to say around nine -- between nine
19 and nine-thirty in the evening. It was raining. It
20 wasn't a downpour, but it was raining and it was
21 dark.

22 As I came up the hill, a truck passed me.
23 I guess that was the truck that I guess your client
24 was in. We were --

25 Q Let me interrupt you. When you say my

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1 client, do you mean Mr. Dukes, the driver of the
2 truck?

3 A The driver -- I guess it was a white
4 Freightliner.

5 Q Okay.

6 A I'm assuming that was the driver who was
7 killed. I'm not -- I didn't know who was in what
8 truck at the time.

9 But the truck passed me. I was doing
10 about 45 miles an hour. He was probably doing about
11 between 50 and 55 going up the hill. As he passed
12 me, we topped the hill. He was probably, I want to
13 say, a little bit shorter than the length of a
14 football in front of me, in between 75 and 50 yards
15 in front of me.

16 I saw sparks come off the back of his
17 truck. I assumed that he had blown a tire, so I
18 slowed down to give him, you know, room to do
19 whatever needed to be done to get his truck, you
20 know, off to the side of the road or whatever
21 happened -- whatever was going to happen.

22 Right after I saw the sparks, I would say
23 about four to five seconds after that, his truck
24 took an extremely hard turn to the left, which
25 actually took him into oncoming traffic. So he

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1 crossed from the southbound lane to the northbound
2 side of 231. This took place right at -- I believe
3 it was a Pritchard's gas station, just to the right,
4 and that's the landmark that I remember because it
5 was right there at that gas station.

6 When the truck took a hard turn to the
7 left, it was almost as though he just turned the
8 truck extremely hard, is what it appeared to me. I
9 didn't know what was going on. The trailer started
10 to turn to go over and land on its side, and just
11 as -- just before the trailer hit, a truck that was
12 traveling in the northbound side of 231 made impact
13 with the truck that just crossed over from the
14 southbound to northbound side. The two trucks hit,
15 and there was, you know, fire almost
16 instantaneously.

17 At that point, I stopped the truck, got
18 out, and tried to, you know, call for the drivers.
19 There was another truck driver behind me -- I don't
20 know his name -- who got out just about the same
21 time I did. He was behind me, apparently. And
22 there was another gentleman there who I don't know
23 where he came from.

24 We pulled one driver -- both drivers were
25 in the ditch, which would have been on the

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1 northbound side of 231. One was walking up the
2 incline there from the ditch who I saw and
3 approached, and he was pretty badly burned. I found
4 out later that was the driver of the northbound
5 truck that actually hit the other truck. He was
6 burned pretty badly. I called to him. He was
7 coming up. He said don't touch him because his skin
8 was on fire -- or it wasn't actually on fire, but
9 his skin was badly burned and it was starting to
10 peel. I directed him up to the hill. And somebody
11 else that was there assisted him to the side of the
12 road.

13 We went -- I went back down the ditch
14 where the other driver was, the one that was behind
15 me, and we got another driver who was laying under
16 some type of debris, and we pulled him out of the
17 ditch. At that time, he was conscious. He was
18 talking, in a lot of pain. I believe he said his
19 name was Michael. And we pulled him as far out as
20 we could.

21 The trucks were on fire. There was things
22 exploding, a lot of smoke. And we pulled him a
23 little further away from where the wreck had
24 happened, I guess from the ditch that was actually
25 burning as well. And we sat there until fire and

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1 rescue and the police got there, which, I guess, was
2 probably -- I mean, it probably wasn't as long as it
3 appeared -- as it seemed to be, but if I was to
4 guess, maybe ten minutes, I guess, from the call. I
5 made a call, as soon as I saw it happening, to 911.
6 And apparently there was another accident that I did
7 not see that was, I guess, in front of the truck
8 that I was behind. And that was pretty much about
9 it.

10 Q Okay. Let's -- for identification
11 purposes, the truck that passed you --

12 A Uh-huh.

13 Q -- was a -- a white Freightliner?

14 A That's correct.

15 Q And do you understand today who was
16 driving that truck?

17 A I do now, yes.

18 Q And who was that?

19 A That was your client, or --

20 Q Michael Dukes; --

21 A Correct.

22 Q -- is that correct?

23 A That was Michael, yes.

24 Q Okay. And the other truck that was
25 involved in this accident, do you know who was

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1 speaker.

2 MS. HAMMETT: Okay.

3 MS. AMBROSE: The question about what,
4 Callen? This is Linda.

5 MR. SPARROW: When she said that it
6 appeared to him that he lost control when he
7 went to the left.

8 MS. AMBROSE: Okay.

9 BY MS. HAMMETT:

10 Q Okay. Let's go back. At the moment he
11 took for whatever reason this hard left, did he make
12 impact with the oncoming truck, or did the oncoming
13 truck made impact with him?

14 A The oncoming truck made impact with him.

15 Q And so where did it hit his truck?

16 A It appeared that the northbound truck made
17 impact right about or just behind the passenger side
18 door of Michael's truck.

19 Q And you said that his trailer was tipping
20 over?

21 A Yeah, it was probably about -- when
22 impact -- when the two trucks made impact, the
23 trailer was maybe a couple of feet from the ground.
24 I mean, it was almost like right before the trailer
25 was completely on its side.

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1 last name is Duke?

2 Q Yes. Michael. You can call him
3 whichever.

4 A Okay. Michael went past as we topped the
5 second hill -- or as we were coming up the second
6 hill, he passed me. I moved over behind him in the
7 far right-hand lane. He was in front of me at that
8 point. He topped the hill before I did right by the
9 Pritchard gas station, and that's when, I guess, he
10 hit the motorcycle.

11 Q So you were able to observe him for a
12 little while?

13 A Yeah. I saw him for maybe, you know, a
14 mile or so, maybe two miles.

15 Q Did you notice him do anything unusual at
16 that time?

17 A No. Huh-uh. He was -- we were just, you
18 know, driving along. I mean, there wasn't any --
19 any type of sudden moves that he was making or
20 anything to think that he was sleepy or, you know,
21 because -- I mean, wiggle or moving around. He just
22 was driving along, just like I was.

23 Q So you didn't have any reason to believe
24 he was --

25 A No.

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1 Q -- doing anything incorrectly?

2 A No. I mean, not that I witnessed, no, not
3 at all.

4 Q Let's go back and talk a little bit about
5 the scene --

6 A Okay.

7 Q -- after the accident.

8 A Okay.

9 Q I believe you testified that you helped
10 someone up the hill?

11 A Correct.

12 Q And do you have an understanding of who
13 that is?

14 A Correct.

15 Q And who was that?

16 A That was -- what was his name? I don't
17 remember his name.

18 Q Mr. Ruhnow, does that sound correct?

19 A Ruhnow, yeah. I don't know if that -- I
20 mean, I saw a driver. He said to me that he had to
21 kick his way out of his truck and that the truck was
22 on fire. He appeared badly burned. He was coming
23 up the hill, and as I reached out for him, he said,
24 don't touch me. My skin is -- is -- feels like it's
25 coming off.

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1 see was the trailer.

2 Q I understand. Give me one second and I
3 will probably be done with you.

4 A Okay.

5 MR. GARRETT: Okay. Mr. Jackson, that's
6 it. I appreciate your time. Thank you.

7 THE WITNESS: Sure.

8 MS. AMBROSE: I've just got one question.
9 This is Linda.

10 THE WITNESS: Okay.

11 CROSS-EXAMINATION

12 BY MS. AMBROSE:

13 Q Mr. Jackson, do you recall what the speed
14 limit was on that stretch of road?

15 A Fifty-five.

16 Q Okay. And you were going about 45 because
17 you were fully loaded?

18 A Yes, and I was going up a hill. That's
19 correct.

20 MS. AMBROSE: All right. That's all I
21 have.

22 MR. SPARROW: I don't think I have
23 anything else.

24 MS. HAMMETT: Can you-all give me like a
25 five-minute break and let me come back. And I

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1 will have just maybe one or two, and I think
2 we'll be done. This is Katie.

3 MS. AMBROSE: Yeah. Did April have any
4 questions?

5 MS. WILLIS: I do not, no.

6 MS. HAMMETT: You-all just give me a
7 minute.

8 MR. SPARROW: All right.

9 THE VIDEOGRAPHER: The time is 10:27. Off
10 the record.

11 (Whereupon, a recess was had.)

12 THE VIDEOGRAPHER: Back on the record.

13 The time is 10:34.

14 REDIRECT EXAMINATION

15 BY MS. HAMMETT:

16 Q Mr. Jackson, this is Katie Hammett again.
17 I represent Lane Heard Trucking. I just want to
18 follow up on a couple of things.

19 A Okay.

20 Q I know you testified earlier that it was
21 raining and it was at night. How dark was it
22 outside?

23 A Pretty dark. I mean, there's no lights at
24 that stretch of the road.

25 Q And I think you testified earlier once he